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OGC Has Reviewed

This Agency engages in certain activities related to the field of atomic energy which necessitate the clearance for access to Restricted Data of a considerable number of its employees.

In accordance with provisions of the Atomic Energy Acts of 1946 and 1954, it has been the practice for such employees to be investigated by the Civil Service Commission or the Federal Bureau of Investigation despite the fact that they have previously been investigated and security cleared for employment by this Agency.

In view of the passage of Section 145(b) of the Atomic Energy Act of 1954, which permits an exception under certain conditions to the requirement for investigation by the Civil Service Commission or Federal Bureau of Investigation, this Agency has requested that arrangements be made so that its employees may be granted access to Restricted Data on the basis of the CIA clearance as an authorized exception under Section 145(b) of the Act which would obviate the necessity of further investigation by the Civil Service Commission or the Federal Bureau of Investigation.

We have explained our position in a letter to the Chairman of the Atomic Energy Commission, a copy of which is attached, pointing out that each of our employees, prior to entering on duty, is the subject of a full-field investigation by our own

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investigative facilities under standards at least equivalent to those of the Civil Service Commission investigation for access to Restricted Data and the investigative requirements of Executive Order 10450. In addition, we pointed out that the evaluation of the investigative results conforms with Executive Order 10450 and certain special requirements of the Agency.

This matter has been discussed by representatives of this Agency and the Atomic Energy Commission, and it is our opinion that the investigative standards of the Agency are in conformity with the standards and specifications established by the Atomic Energy Commission pursuant to Section 145(f). In addition, we believe that the evaluative standards of the Central Intelligence Agency can be considered by the Atomic Energy Commission sufficient to satisfy the requirement in Section 145(b) which provides that the Commission must determine that permitting an individual to have access to Restricted Data will not endanger the common defense and security. This Agency is prepared to establish with the Atomic Energy Commission an appropriate system of certification and review. It should be noted that the requirement under Section 145(c) for a full field investigation by the Federal Bureau of Investigation in the event that derogatory information is discovered would have been satisfied under the Agency security procedures which conform to Executive Order 10450.

In view of the above it is believed that a finding could appropriately be made that the granting of clearances for access

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to Restricted Data to Central Intelligence Agency employees without the necessity of a Civil Service Commission or Federal Bureau of Investigation investigation would be clearly consistent with the national interest.

In the light of discussions with Commission representatives, however, it is deemed advisable to request a legal opinion from your office as to whether the Commission or General Manager is legally empowered to grant such an exception under Section 145(b).

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